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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Gordon G. Wong et al.

Application No.: 09/822,849

Filed: March 29, 2001

For: POLYNUCLEOTIDES ENCODING
NOVEL SECRETED PROTEINS

Examiner: Stephanie W. Zitomer

Group Art Unit: 1634

August 2, 2002

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Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

Applicants respond to the Official Action dated July 12, 2002 (Paper No. 4)
in the above-identified application, as follows.

REMARKS

In the outstanding Office Action, the Examiner required that Applicants elect for prosecution one of the inventions among (unnumbered) Groups I - XI for the reasons noted.


In response, Applicants hereby elect to prosecute the invention of Group I (invention 1-592), namely Claims 1-6¹.

^{1/} The Examiner also requested that Applicants identify a SEQ ID No: within the edited group as an accuracy check. In response, Applicants hereby identify SEQ ID No. 1.

Applicants wish to point out to the Examiner the Commissioner's Official Gazette Notice of March 4, 1996 "Guidance on Treatment of Product and Process Claims" which addresses the issue of processes "limited to making or using a nonobvious product" and stated that claims to the nonelected process should be rejoined when a product claim is found allowable and the withdrawn process contains all the limitations of an allowed product claim.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,



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